

also be adopted in Territories. Governments established over the people of the Territories have no right to a positive enactment, a prohibition, an interdiction as to the introduction of slavery within them; but with regard to these opinions I had hoped, and I shall still indulge the hope that those who represent the free States will be inclined not to insist—which it would be extremely difficult to give to the resolutions the form of a positive enactment. I had hoped that they would have proceeded with the simple expression of the opinion of Congress, leaving it upon the basis of that opinion, without asking for what seems to me almost impracticable, if not impossible—for any subsequent enactment to be introduced into the bill by which Territorial Governments should be authorized to introduce slavery. I had hoped that the resolution, even without the declaration of these two truths expressed, would be much more acceptable to me than with them; but I could not forget that I was proposing a scheme of arrangement and compromise, and I could not, therefore, depart from the duty, which the President has imposed upon me, of proposing a compromise, whilst we ask the surrender on one side of a favorite measure, of offering to the other side some compensation for that

[illegible]

The power then, Mr. President, in my opinion—and I will extend it to the introduction as well as to the prohibition of slavery in the new territories—I think the power does exist in Congress, and I think there is that important distinction between the States and Territories which makes the question of the States, that all outside is debatable, a inside of the States is undebatable. The Government has no right to touch the institution within the States; but whether she touches it or not, she has the right to touch it outside the States, and to what extent she has the right or not to touch it outside the States, is a question upon which I have no doubt, however it may be decided, finishes, by judgment, in my opinion, just occasion for breaking up this happy and glorious Union of ours.

Now, I am not going to take up that part for discussion which extends beyond the limits of Congress, to include either within this District—I shall have occasion to make some observations upon that when I approach the resolution relative to the District—either within this District or the Territories.

But I must say, in a few words, that I think there are two sources of power, either of which is the number of slaves imported to a territory, the exercise of that power, if it was deemed proper to exercise it, either to introduce or to keep out slavery, outside the States, within the Territories.

Mr. President, I shall not show up time, of which already so much has been consumed, to take that, according to our sense of justice, and the spirit of the age, and the feelings according to the sense in which the clause has been interpreted for the last fifty years, the clause which confers on Congress the power to regulate the Territories and other property of the United States conveys the authority.

Mr. President, with my friend from Michigan and myself, we are the first and most emphatic speakers here to believe he and I have known each other longer than we have known any other Senator in this hall—I cannot conceal although I entertain the most profound respect for the opinions he has advanced upon the subject advance to my own mind, and I have no objection to his being called the ablest writer of our country, by all the departments of our Government, legislative, executive, and judicial—when it has been so settled for a period of fifty years, and never was seriously disturbed till recently, that I think, if we are to go back to such trifling questions, it is a question which has been settled uniformly and consistently in a particular way. Or as we come to this conclusion, that nothing, nothing on earth is settled under this constitution, but that every thing is unsettled.

Mr. President, we have to recollect it is very possible, sir, it is quite likely—that when that constitution was framed the application of it to such Territories as Louisiana, Florida, California, and New Mexico was never within the contemplation of its framers. It will be recalled that the country northwest of the river Ohio was unpopulated; and will be recalled also that the exercise and the assertion of the power to make governments for Territories in their infante state are, in the nature of the power, temporary, and to that extent whenever they have acquired a population competent to self-government. Sir, sir, recollect that when that ordinance of 1787. Now, sir, recollect that when that constitution was adopted, and that territory was unpopulated, it is possible that Congress, to whom it had been ceded by the States for the common benefit of the ceding State and adjacent States, might have declared that territory to be settled, or might have said that territory was settled, or might have said no right whatever to declare what description of settlers should occupy the public lands? Suppose they took up the opinion that the introduction of slavery would enhance the value of the land, and enable them to command for the public treasury a greater amount from that source of revenue than had been obtained from the same source of revenue before, or, say, in fixing the rules, regulations, or whatever you choose to call them, for the government of that Territory, that one who chooses to bring slaves may bring them, if it will enhance the value of the property, in the clearing away of the soil, and add to the importance of the country? Or take another case, suppose Congress should decide that a greater amount of revenue would be derived from the waste lands beyond the Ohio river by the interdiction of slavery, would they not have a right to interdict it? Why, sir, remember how these settlements were made, and what were the motives that induced Congress to acquire the territory. Mariaetta the first settlement was made. It was a settlement of some two or three hundred persons from New England (Cincinnati), I believe, was the next point where a settlement was made. It was settled perhaps by a few persons from New Jersey, or some other State. Did those few settlers establish the motive for acquiring the territory? No. Had those few persons power to dispose of these territories? Had they even power to govern themselves—a handful of men who established themselves at Marietta or Cincinnati? No, sir; it is the contemplation of the constitution as doubtless the most important consideration, that Congress is empowered to populate Territories, and as that territory will be populated gradually, insensibly until it reaches a population which may entitle it to the benefit of self government, in the mean time it is right and proper that Congress, who owns the territory, should regulate the settlement of the soil, and govern the constitution of the Territory, so settle the acquire number and capacity to govern themselves.

Sir, I will not further dwell upon this part of the subject, but I said there is another source of power equally satisfactory to me, and that is the treaty-making power, the acquisition of territories, and that is the treaty-making power, the acquisition of power. Now, I put it to gentlemen, is there not at this moment a power somewhere existing either to admit or exclude slavery from the ceded territory? It is not an annihilated power. That is impossible. It is a subsisting, actual power, and it is a power which exists in the hands of the same one will controvert, in Mexico prior to thecession of these territories. Mexico could have abolished slavery or introduced slavery either in California or New Mexico. That would be conceded. Who will controvert this position? Well, she has parted from the territory and from the sovereignty over the territory, and she has transferred the sovereignty to the Government of the United States. The Government of the United States, then, acquires in sovereignty and in territory over California and New Mexico, all, either in sovereignty or in territory, that Mexico possessed prior to her alienation of thecession of those territories. Sir, dispute that who can.

The power exists or not; does not one will contend for its annihilation. It existed in Mexico. No one, I think, can deny that Mexico alienates the sovereignty over the territory, and hence she alienates it to the Government of the United States. The Government of the United States, then, acquires in sovereignty and in territory over California and New Mexico, all, either in sovereignty or in territory, that Mexico possessed prior to her alienation of thecession of those territories. Sir, dispute that who can.

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responded to the act of California. There, sir, if we con-  
sented to these mountain regions, which are to be found  
in New Mexico, the nature of its soil and country, its barrenness  
its unproductive character, every thing which relates to  
and every thing which we hear of it and about it, must neces-  
sarily be such as to induce us to believe that the introduc-  
tion of slavery is not likely to be introduced into them.  
Well, sir, if it be true that by law slavery does not now ex-  
ist in the ceded territories, and that it is not likely to be in-  
troduced into the ceded territories—if you, Senators, agree  
these truths, or a majority agree, it is a prudent and  
wise policy to agree to the bill, and to leave the question  
of objection or the difficulty to your announcing them to the  
whole world? Why should you hesitate or falter in the pro-  
mulgation of incontestable truths? On the other hand, with  
regard to Senators coming from the free States, allow me to  
say, that I have no objection to their coming. I have no  
When this feeling within the limits of your States was got  
ten up: when the Wilmot proviso was disseminated through  
them, and your people and yourselves attached themselves  
that proviso, what was the state of facts? The state of facts  
at that time was, that you apprehended the introduction  
of slavery into a small number of your Territories. Now, do  
you now know much—about these very territories. They were  
far distant from you. You were apprehensive that slavery  
might be introduced there. You wanted as a protection  
introduce the interdicted called the Wilmot proviso. It was  
in the way of introducing it, and you were not prepared  
to give up in behalf of this Wilmot proviso. It was and  
the apprehension that slavery might be introduced: there you  
you left your constituents. For when you came from home  
at the time you left your respective residences, you did not  
know the fact, which has only reached us since the commence-  
ment of the session, that the people of California, excluded  
unanimously adopted by the people of California, excluded  
slavery from their territory.

Well, now, let me suppose that two years ago it had been  
known in the free States that such a constitution would be  
adopted; let me suppose that they had known that it was  
intended; let me suppose that the territories would be intro-  
duced; let me suppose that upon this great subject of soli-  
tude, negro slavery, the people of the North had been per-  
fectedly satisfied that there was no danger; let me also suppose  
that they had foreseen the excitement, the danger, the irrita-  
tion, the violence, the confusion, the dissension, the disor-  
der, the Legislature, and the manifestations of opinion by the  
of the slaveholding States—let me suppose that all this had  
been known at the North at the time when the agitation was  
first got up upon the subject of this Wilmot proviso—do you  
believe that it would have ever reached the height to which  
it has now reached? Do you believe that it would have  
to your departure from your respective homes, you had had an  
opportunity of conferring with your constituents upon the  
most leading and important fact—the adoption of a con-  
stitution excluding slavery in California—do you not believe  
that you would have been able to have done so? Do you not  
believe that if you had had the advantage of that fact told in serious  
calm, fire-ade conversation with your constituents, the  
would have told you to come here and to settle all these  
agitating questions without danger to this Union?

What do you want? What do you want who reside in  
the Territories, which have been introduced into this Union  
introduced into the territories acquired from Mexico. Why  
have not you got it in California already, if admitted as  
State? Have not you got it in New Mexico, in all human  
probability, also? What more do you want? You have got  
it in this is worth a thousand Wilmot provisos. You have  
got it in the Territories, and you have got it in the free  
your side. You have the truth staring you in the face that  
no slavery is existing there. Well, if you are men, if you  
can rise from the mud and slough of party struggles and eleva-  
yourself to the height of patriots, what will you do? You  
will do what you think is right, and you will do it, and you  
unknown to my people. You will say, they acted on a  
set of facts, we have another set of facts here influencing  
us, and we will act as patriots, as responsible men, as lovers  
of unity, and above all of this Union. We will act on the  
altered set of facts unknown to our constituents, and we will  
act as patriots, as responsible men, as lovers of unity, and  
concur with us on this occasion, for establishing consen-  
sual and harmony and maintaining the existence of this glorious  
Union.

Well, Mr. President, I think, entertaining these views, that  
the North, notwithstanding the fact that some other resolu-  
tions at the time these resolutions were prepared and of-  
fered—nothing extravagant in the hope that the North might  
content itself even with striking out as unnecessary these two  
declarations. They are unnecessary for any purpose the free  
States have in view. At all events, if they should insist upon  
that, at all events, they should limit their wishes to the simple  
assertion of them, without insisting on their being incorporated  
in any Territorial Government which Congress may establish  
in the Territories.

There is another resolution, the third and fourth, which  
which relate to Texas; and allow me to say, Mr. President, that  
approach the subject with a full knowledge of all its difficul-  
ties; and, of all the questions connected with or growing out of  
this institution of slavery which Congress is called upon to  
pass upon and decide: there are none so difficult and trou-  
blesome as the question of Texas. It is a question of bound-  
ary, a question of boundary to settle, and a question of slavery  
or the feelings connected with it run into the question of  
boundary. The North, perhaps, will be anxious to contract  
the boundary of the nation, perhaps, to some other extent, to  
include all beyond here to make a free territory; the South  
on the contrary, may be anxious to extend these limits to the  
sources of the Rio Grande, for the purpose of creating an ad-  
ditional theatre for slavery; and thus, to the question of the  
limits of Texas, and the settlement of her boundary, there  
are introduced all the difficulties, and difficulties, is addi-  
meeting us at every step we take.

There is, sir, a third question, also, adding to the difficulty  
By the resolution of annexation slavery was interdicted in all  
north of 36° 30'; but of New Mexico, that portion of it which  
north of 36° 30' embraces, I think, about two-thirds of the  
whole of New Mexico, and the Great Gulf; that you  
have free and slave territory mixed, boundary and slavery  
mixed together, and all these difficulties are to be encountered  
ed. And allow me to say, sir, that among the considerations  
which induce me to think that it was necessary to settle all  
these questions, and to settle them, is the fact that the States  
Mexico, and the state of things to be apprehended both there  
and in other portions of the Territories. Why, sir, at this  
moment—and I think shall have the concurrence of the two  
Senators from that State when I announce the fact—at this  
moment there is a feeling approximating to abhorrence on the  
part of the people of New Mexico at the idea of any union  
with Texas.

Mr. RUSK. Only, sir, on the part of the office-seekers  
and army followers who have settled there, and attempt to  
mislead the people.

Mr. CALHOUN. Sir, that may be, and I am afraid that  
New Mexico is not the only place where this class composes  
a majority of the whole population of the country. [Laughter.]

Now, sir, if the questions are not settled which relate to  
Texas, her boundaries, and so forth, and to the territory now  
claimed by Texas and disputed by New Mexico—the territory  
between the Rio Grande and the Gila Mountains, and the  
for—in all these questions are not all settled, I think they will  
give rise to future confusion, disorder, and anarchy, there, or  
to agitation here. There will be, if these are not settled, a  
still at the North crying out, that I have a doubt, a question  
upon them, for the Wilmot proviso does nothing, and it is  
upon them, they shall do nothing, in my opinion.  
if we do not accommodate all these difficulties and provide  
against the recurrence of all these dangers.

Sir, with respect to the state of things in New Mexico, allow  
me to call the attention of the Senate to what I consider as  
the most important and pressing questions, and the most  
of things there existing. I mean in the acts of their Conven-  
tion, unless that Convention happens to have been composed  
altogether of office-seekers, office-holders, and so forth. Now, sir,  
I call your attention to what they say in depicting their  
own

Mr. UNDERWOOD, at Mr. CALHOUN'S request, read the fol-  
lowing extract from instructions as adopted by the Convention  
of 1846, appended to the journal of the Convention of the Territory  
of New Mexico, held at the city of Santa Fe, in September, 1846:

"We, the people of New Mexico, in Convention assembled, have  
elected a Delegate to represent this Territory in the  
Congress of the United States, and to urge upon the Supreme  
Government a redress of our grievances, and the protection  
of our rights. We, therefore, instruct him as follows: That whereas, for the last  
three years, we have suffered under the paralyzing effects of  
government, in its character, inefficient and disorganized,  
to protect the rights of the people.  
and absolute duty of every Government, the enforcement and  
regular administration of its own laws, in consequence of  
protection against the various barbarous tribes of Indians  
that surround us on every side, has prevented the extension of  
the territory, and the people have been compelled to live in  
utterly futile every attempt to explore or develop the great  
resources of the Territory. Surrounded by the Uthas, Ca-  
pachis, and other tribes of Indians, and the Navajo, the  
Navajos on the west, with Hellrais within, and the  
and without any adequate protection against their hostile in-  
roads, our flocks and herds are driven off by thousands, our  
carried into captivity. Many of our citizens, of all ages and  
sexes, are at this moment suffering all the horrors of barbarian  
raids, being, and utterly out of our power to obtain their  
fellow citizens from conditions of barbarism and savagery.  
The wealth of our Territory is being diminished. We have  
neither the means nor any adopted plan by Government for the  
protection of our property, and the Government is a govern-  
ment in operation, surrounded and deplored by barbarous  
forces, ruin appears inevitably before us, unless speedily and ef-  
fectually remedied. We, therefore, urge Congress to take  
the United States."

There is a series of resolutions, Mr. President, which any  
gentleman may look up, if he chooses; but I think it is not  
worth while to take up the time of the Senate in reading it.

[illegible][illegible]